

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session  
March 17, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9:14 a.m. on Thursday, March 17, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Mark E. Amodei, Chair  
Senator Maurice E. Washington, Vice Chair  
Senator Mike McGinness  
Senator Dennis Nolan  
Senator Valerie Wiener  
Senator Terry Care  
Senator Steven Horsford

**STAFF MEMBERS PRESENT:**

Nicolas Anthony, Committee Policy Analyst  
Kelly Lee, Committee Counsel  
Gale Maynard, Committee Secretary

**OTHERS PRESENT:**

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Stan Olsen, Las Vegas Metropolitan Police Department

CHAIR AMODEI:

The meeting of the Senate Judiciary Committee is called to order and we will open up with Assembly Bill (A.B.) 23.

**ASSEMBLY BILL 23**: Authorizes state agencies and political subdivisions to request and receive certain information concerning person applying to attend academy for training peace officers. (BDR 19-302)

Senate Committee on Judiciary  
March 17, 2005  
Page 2

FRANK ADAMS (Executive Director, Nevada Sheriffs' and Chiefs' Association):

I was not present when this bill was introduced in the Assembly but I have experience and may be able to address the bill. I have been a Nevada peace officer for over 35 years. For 13 of those years, I taught in the community colleges as a part-time instructor, and for 25 of those years, I taught in the academies, including those at Truckee Meadows Community College, Western Nevada Community College and those in Clark County.

This bill will allow academies to take an individual's application and run his or her fingerprints through the Central Repository for Nevada Records of Criminal History and through the National Crime Information Center to make sure a situation does not occur that would preclude them from becoming a peace officer at the completion of their training in the academy.

In these community college academies, people can attend this course as unsponsored individuals who can put themselves through the academy with the idea of making themselves marketable at the end of the academy session.

What we are trying to do with this bill, as I understand it, is prior to attending the academy, people would have their fingerprints run through the repository. At that time, we would know if there would be any problems with criminal records that would preclude them from going to work at the end of the school session.

CHAIR AMODEI:

Are there any questions from the Committee members?

SENATOR CARE:

What is being done presently with the applicant? Do you do your own background check?

MR. ADAMS:

My understanding is that the most being done is a name check through the Central Repository for Nevada Records of Criminal History. There is no authority to run a set of fingerprints through the system. This is what this bill is designed to do. A person would have to get his fingerprints taken, and those fingerprints would be sent through the repository and on to the Federal Bureau of Investigation. At present, we are taking the word of the individual that he or she

Senate Committee on Judiciary  
March 17, 2005  
Page 3

has not had a criminal arrest history. Through the local agencies that do a sponsorship, we may also run the name through a name-check system.

SENATOR CARE:

Interestingly enough, under the existing law, I have noticed it says this may be done. Any agency of the State has the legitimate need to have accurate personal information. The argument can be made that the existing law can be used with the academy applicants.

MR. ADAMS:

Many who attend the academy are not affiliated with an agency. They come in wanting to take this training to make themselves more marketable to a law enforcement agency. I can tell you from my experience that many of the smaller law enforcement agencies in Nevada, such as Yerington, Fallon, Lovelock and Humboldt County, do not have the money to put a person through the full training. Therefore, if a person goes through the academy with the Category 1 training certificate, then the agency will look at that person as hireable. We want the law enforcement agency to know this person has no criminal history prior to attending the school.

SENATOR WASHINGTON:

Would this also apply to security guards or anyone who may work in a security industry?

MR. ADAMS:

From what I understand, this will be strictly for those people going through the academy to become a Category 1 peace officer. This position does not require security training, although I believe it is covered under the private investigator licensing area where they have to take certain training.

SENATOR WASHINGTON:

Maybe legal counsel would know, do we require security officers to undergo background checks?

CHAIR AMODEI:

We will find out. If there is no further discussion on A.B. 23, we will close the hearing on this bill. What is the pleasure of the Committee on A.B. 23?

Senate Committee on Judiciary  
March 17, 2005  
Page 4

SENATOR CARE MOVED TO DO PASS A.B. 23.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR AMODEI:

There is a Work Session Document in front of the Committee ([Exhibit C](#)). We have some proposed amendments to this bill which are straightforward. Mr. Olsen will speak on Senate Bill (S.B.) 136 in reference to the Interstate Compact for Jurisdiction on the Colorado River.

SENATE BILL 136: Revises provisions of Interstate Compact for Jurisdiction on the Colorado River. (BDR 14-402)

CHAIR AMODEI:

I had the pleasure of testifying on a bill in the Assembly Committee on Natural Resources, Agriculture and Mining. It was a bill requiring boats over a certain length to carry a type-2 flotation device with 40 or 60 feet of throw line attached. This bill was generated due to a drowning incident on Lake Mead. The question was, if Nevada makes this a law, and if you are on Lake Mead or any of the other bodies of water shared in an interstate sense, how does this apply reference enforcement in a concurrent jurisdiction; there may be some confusion on the matter. My understanding is that the Las Vegas Metropolitan Police Department (Metro) has the enforcement authority around the concurrent jurisdictions, not the fish and game infractions. Based on your experience, Mr. Olsen, how does this apply when you are on the lake? If you have seen an infraction, does part of the elements of the crime have global positioning satellite testimony to say you are in the Nevada half of the lake? If someone is 100 yards off the Arizona shore and you want to write them a citation for a Nevada infraction, can you do this under the concurrent jurisdiction?

STAN OLSEN (Las Vegas Metropolitan Police Department):

Enforcement on the lake comes from the National Park Service, U.S. Department of the Interior. I have been stopped on the lake, but I cannot remember what it was for.

Senate Committee on Judiciary  
March 17, 2005  
Page 5

CHAIR AMODEI:

Would this go through the U.S. Attorney's Office for prosecution?

MR. OLSEN:

Yes, they cite into the magistrate's office on the lake. The Metro police department runs some enforcement on the Colorado River, but mostly we rely on the State parks personnel. Arizona State police runs boats on the river, also.

CHAIR AMODEI:

Could you supply Mr. Anthony with the name of the assistant U.S. attorney who does misdemeanors such as traffic and boating citations through the U.S. Magistrate's Office, in order to have a discussion, so we may better address this matter?

MR. OLSEN:

I will get you that information.

CHAIR AMODEI:

Are there any comments or questions on Senate Bill 136? Let us move on to Senate Bill 118 and a proposed amendment. This bill makes certain changes concerning county coroners.

**SENATE BILL 118**: Makes various changes concerning county coroners.  
(BDR 40-747)

SENATOR NOLAN:

Exhibit C at Tab A is the amendment to Senate Bill 118 that makes changes concerning county coroner investigators being able to secure the records from pharmacies on prescription medication of the deceased. In fact, the only medications they were getting records for were for the deceased, but this amendment directly addresses that concern. The other issue is with respect to the fund being created through the fee assessed on death certificates. The amendment states that in populated counties that have an established coroner's office, the fee will be dedicated for the purposes outlined. I do not believe the Committee had problems with them training or buying special equipment, as well. The fees collected in the rural counties would go to a designated area, either the Washoe County Coroner's Office or the Clark County Coroner's Office, to send their ex officio coroners, usually the sheriffs or deputies, to either office for training. We have addressed all concerns voiced in Committee.

Senate Committee on Judiciary  
March 17, 2005  
Page 6

CHAIR AMODEI:

Is this the language that resulted from coordinating with the Nevada Association of Counties (NACO) personnel and the State Treasurer as far as handling the money?

SENATOR NOLAN:

Yes.

CHAIR AMODEI:

This also takes care of Senator Care's concern about the prescription records only of the deceased?

SENATOR NOLAN:

Yes. I believe Ms. Lee may have something further to add.

KELLY LEE (Committee Counsel)

I spoke with the State Treasurers' Office, and after reviewing the language of S.B. 118, they had no issue with the existing language and were satisfied with the way the accounts worked.

SENATOR MCGINNESS:

Ms. Lee, did you speak with anyone from NACO? This mandates that the counties create this general fund. Were they fine with this as well?

Ms. LEE:

I did not speak with anyone at NACO, nor did anyone contact me about this. I can make contact, if you like.

SENATOR NOLAN:

Initially, NACO did not have an issue with creating the funds in the counties, themselves. But what they wanted to do was to make sure they could direct the funds. If the sheriff of a county wanted the fund to go to Washoe, Clark or some other County, because of a special training program, they had the ability to dictate. We believe we have addressed this issue in the bill.

CHAIR AMODEI:

Are there any other questions in regard to the amendment to S.B. 118? What is the pleasure of the Committee on this bill?

Senate Committee on Judiciary  
March 17, 2005  
Page 7

SENATOR WIENER MOVED TO AMEND AND DO PASS S.B. 118 WITH  
THE AMENDMENT IN THE WORK SESSION DOCUMENT AT TAB A.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

Is there anything else to come before the Committee? Seeing no further  
discussion, we are adjourned at 9:34 a.m.

RESPECTFULLY SUBMITTED:

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Gale Maynard,  
Committee Secretary

APPROVED BY:

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Senator Mark E. Amodei, Chair

DATE: \_\_\_\_\_